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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 SAN DIEGO NAVY BROADWAY COMPLEX
13 COALITION,

14 Plaintiff,

15 vs.

16 U.S. DEPARTMENT OF DEFENSE; ROBERT M.
17 GATES, in his official capacity as Secretary of the
18 U.S. Department of Defense; U.S. DEPARTMENT
19 OF THE NAVY; RAYMOND E. MABUS, JR, in his
20 official capacity as Secretary of the U.S. Department
21 of the Navy; NAVAL FACILITIES ENGINEERING
22 COMMAND; W. GREG SHEAR, JR., in his official
23 capacity as Commander of the Naval Facilities
Engineering Command; NAVAL FACILITIES
ENGINEERING COMMAND SOUTHWEST; S. KEITH
HAMILTON, in his official capacity as Commander
of the Naval Facilities Engineering Command Southwest;
and, MANCHESTER PACIFIC GATEWAY LLC,

24 Defendants.
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CASE NO. 07 CV 0038 JM (WMc)

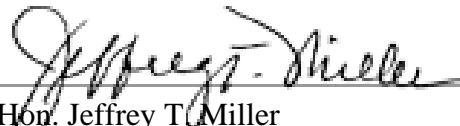
**ORDER GRANTING JOINT
MOTION FOR DISMISSAL
[DOCKET NO. 64]**

26 **THIS MATTER** having come before the Court on the parties' Stipulation and Joint
27 Motion for Dismissal dated August 13, 2009, and the Court being fully advised in the premises,

28 **IT IS ORDERED AND ADJUDGED** that the above-captioned action is dismissed
without prejudice as moot, except with respect to any challenge to the adequacy of the Federal

1 Defendants' compliance with notice and/or public participation requirements, which are
2 dismissed with prejudice.

3 DATED: August 13, 2009

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5 Hon. Jeffrey T. Miller
6 United States District Judge
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